



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 412-00
25 April 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's Naval Record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, applied to this Board requesting, in effect, that his naval record be corrected to show that he was honorably released from active duty on 21 December 1967.

2. The Board, consisting of Messrs. Zsalman, Rothlein, and Beckett reviewed Petitioner's allegations of error and injustice on 19 April 2000, and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 11 December 1963 for four years at age 17. His record reflects that he was

advanced to PFC (E-2) and served in Vietnam from April 1965 to March 1966.

d. Petitioner served without incident until 13 January 1967 when he received nonjudicial punishment (NJP) for drawing and doodling while on post as a sentinel. Punishment imposed was a suspended reduction in rank to PVT (E-1) and 45 days of restriction. However, he was advanced to LCPL (E-3) on 15 June 1967. He received a second NJP on 19 December 1967 for failure to obey a general regulation, for which he received an official reprimand.

e. On 21 December 1967, Petitioner was released from active duty under honorable conditions and transferred to the Marine Corps Reserve. He was retained 11 days beyond the expiration of his enlistment before a medical board found him fit for duty or discharge. Petitioner's record reflects that upon completion of his obligated service on 10 December 1969, he was issued an honorable discharge certificate.

f. Character of service is based, in part, on military conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Petitioner's conduct and proficiency averages were 3.9 and 4.0, respectively. The minimum average marks required for a fully honorable characterization at the time Petitioner's discharge were 4.0 in conduct and 3.8 in proficiency. A recomputation of Petitioner's conduct marks showed that his final average was 3.98.

CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes Petitioner served for nearly a year in Vietnam and had no disciplinary incidents for more than three years. The two NJPs he received during his last year of service were for relatively minor offenses. The Board also notes that subsequent to Petitioner's discharge applicable directives were changed to state that a mark of 3.96 or higher would be rounded up to the mark of 4.0. If such action had been taken in his case, Petitioner would have been eligible for a fully honorable characterization of service. Accordingly, the Board concludes that it would be appropriate and just to show that on 21 December 1967 he was honorably released and transferred to the Marine Corps Reserve.